REMARKS

The following issues are outstanding in the present application:

- Claims 16 and 20 have been rejected under 35 U.S.C. § 112;
- Claims 7-8, 14-16 and 18-20 have been rejected under 35 U.S.C. § 102(b);
- Claims 7, 8 12 and 14 have been rejected under 35 U.S.C. § 102(b);
- Claims 18-20 have been rejected under 35 U.S.C. § 102(b);
- Claims 7-8, 14 and 18-20 have been rejected under 35 U.S.C. § 102(b);
- Claims 17 and 21 have been rejected under 37 U.S.C. § 103(a); and
- Claim 13 has been rejected under 35 U.S.C. § 103(a).

Claim Amendments

The claims have been amended in order to more particularly point out and distinctly claim what Applicant regards as its invention in view of the prior art. Support for the amendments is found in the specification and no new matter has been added.

Amended independent claims 8, 15 and 18 are directed to an apparatus for securing a grating sheet to structural members in a wave zone of an offshore platform. The apparatus comprises a top plate, a bottom plate and a securing mechanism. The top plate is for mounting on the upper surface of the grating sheet, the top plate having a hole therein and upper and lower surfaces. The bottom plate has an opening and is sized and shaped for attaching to the structural member in a laterally extending direction for supporting the grating sheet. The securing mechanism extends between the upper surface of the top plate and the opening of the bottom plate for clamping the top plate and bottom plate together, the securing mechanism configured to be secured only from a position on a top surface of the grating sheet in order to secure the grating sheet to the structural members so as to prevent displacement of the grating sheet from the structural members by extreme wave action, the grating sheet being attached to the structural members in a wave zone area of an offshore platform. The grating sheets are formed of corrosion resistant material and the apparatus is configured to withstand the forces of waves in the wave-zone portion of the offshore platform area.

35 U.S.C. §112

Claims 16 and 20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 15 and 18 in order to clarify which elements are formed of the corrosion resistant material. Applicant respectfully asserts that this amendment has overcome the 35 U.S.C. § 112 rejection.

35 U.S.C. §102(b)

Claims 7-8, 14-16 and 18-20 have been rejected under 35 U.S.C. § 102(b) as having subject matter anticipated by Document D of the Information Disclosure Statement filed July 7, 2000. Applicant respectfully traverses this rejection.

Independent claims 7, 15 and 18 have been amended to add the limitation of the securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top and bottom plate together, "the securing mechanism configured to be secured only from a position on a top surface of the grating sheet" in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet from the structural members by extreme wave action. These claims have also been amended to add the limitation of the grating sheet being attached to the structural members in a wave zone area of an offshore platform and the apparatus being configured to withstand the forces of waves in the wave-zone portion of the offshore platform area.

The Examiner stated that in Document D, details of the "Stair Tread" and the "G-Clip" and the "F[J]-Clip" meet the limitation of these claims as the G-Clip is considered to be a type of nut. The G-Clip and J-Clip are described in the specification of the subject application as prior art disclosed in U.S. Patent No. 5,118,147. These clips are used to secure fiberglass grading on top of the structural support pipe members of an offshore platform and are not capable of securing the grading in an offshore platform environment that is subject to severe wave action in the wave zone area. As described in the specification, the present invention is an improvement over the G and J Clips as these clips fail in the wave zone area of an offshore platform because the circular motion of the waves, that constantly wash through the grading, subject it to multidirectional forces that eventually displace the grading from the clips and wash the grading out. Regarding the "Stair Tread" detail, for safety reasons, the bolt can only be secured by the nuts from underneath the stair tread and getting under each stair tread to secure

the nuts to the bolt is not a problem as each stair tread has a small surface of grating sheet compared to the grating sheets used for large area walkways. Thus, there is no need to secure a top and bottom plate together through a grading sheet from a position on a top surface of the grading sheet on stair treads. Regarding the other plate-type connectors disclosed in Document D, none of the plate-type connectors disclose a securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top and bottom plate together, "the securing mechanism configured to be secured only from a position on a top surface of the grating sheet" in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet from the structural members by wave action in the wave zone area of an offshore platform.

A claim is anticipated only if each and every element as set forth the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully asserts that nowhere does Document D, details of the "Stair Tread" and the "G-Clip" and the "F[J]-Clip" teach or disclose an apparatus having a securing mechanism configured to be secured only from a position on a top surface of the grating sheet in order to secure the grading sheet to the structural members so as to prevent displacement of the grading sheet from the structural members by wave action in the wave zone area of an offshore platform. Applicant respectfully submits that Document D fails to teach or suggest each and every limitation of the presently amended claims and therefore cannot sustain a rejection under 35 U.S.C. § 102(b). Regarding the dependent claims 8, 14, 16, 19 and 20, all of these claims depend either directly or indirectly from independent claims 7, 15 or 18. Since the cited references fail to teach or suggest each and every limitation of the independent claims, Applicant respectfully asserts that the dependant claims can therefore not sustain a rejection under 35 U.S.C. § 102(b). Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 7-8, 14-16 and 18-20 under 35 U.S.C. § 102(b) as being anticipated by Document D.

35 U.S.C. §102(b)

Claims 7, 8, 12 and 14 have been rejected under 35 U.S.C. §102(b) as having subject matter anticipated by Document B of the Information Disclosure Statement filed July 7, 2000. Applicant respectfully traverses this rejection.

The discussion above relating to the clips of Document D apply to the identical clips disclosed in Document B as it shows an enlarged version of the section titled "typical Attachment G Clip at Tubulat Supp't" of Document D. Accordingly, in view of the discussion of the same subject matter found in Document D, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 7, 8, 12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Document B .

35 U.S.C. .§102(b)

Claims 18 and 20 have been rejected under 35 U.S.C. §102(b) as having subject matter anticipated by Document C of the Information Disclosure Statement filed July 7, 2000. Applicant respectfully traverses this rejection.

Document C shows a Section of a landing deck on an offshore platform. It shows a solid bottom plate (L2x1/4x 3'x5" LG) that has two studs welded to the top surface of the bottom plate. The bottom plate is positioned under the grating and lifted from underneath the plate in order to position the studs through two smaller plates positioned on top of the grating. A nut is then secured on the studs. This plate has a length of over 3 ft., can only be positioned into place from underneath the grating and is not attached to a structural member. In Document C the bottom plate is secured only to the grating and not the U-shaped spacer members.

A claim is anticipated only if each and every element as set forth the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully asserts that nowhere does Document C teach or disclose an apparatus having a bottom plate with an opening, or a bottom plate attached to a structural member (claims 7 and 18) or L-shaped connectors (claim 15). Applicant respectfully submits that Document C fails to teach or suggest each and every limitation of the presently amended claims and therefore cannot sustain a rejection under 35 U.S.C. §102(b). Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 18 and 20 under 35 U.S.C. §102(b) as being anticipated by Document C.

35 U.S.C. §102(b)

Claims 7-8, 14 and 18-20 have been rejected under 35 U.S.C. §102(b) as having subject matter anticipated by Correll '147. Applicant respectfully traverses this rejection.

The G and J-Clips disclosed in the '147 reference are used to secure fiberglass grading on top of the structural support pipe members of an offshore platform and are not capable of securing the grading in an offshore platform environment that is subject to severe wave action in the wave zone area. As described in the specification, the present invention is an improvement over the G and J Clips as these clips fail in the wave zone area of an offshore platform because the circular motion of the waves, that constantly wash through the grading, subject it to multidirectional forces that eventually displace the grading from the clips and wash the grading out. In fact it was the failure of the clips of the '147 reference that caused the Applicant to invent the fasteners of the subject invention.

A claim is anticipated only if each and every element as set forth the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully asserts that nowhere does the '147 reference teach or disclose an apparatus having a securing mechanism configured to secure a grading sheet to the structural members so as to withstand the forces of waves in the wave-zone portion of the offshore platform area. Applicant respectfully submits that the '147 reference fails to teach or suggest each and every limitation of the presently amended claims and therefore cannot sustain a rejection under 35 U.S.C. §102(b). Regarding the dependent claims 8, 14, and 19 and 20, all of these claims depend either directly or indirectly from independent claims 7 or 18. Since the cited references fail to teach or suggest each and every limitation of the independent claims, Applicant respectfully asserts that the dependant claims can therefore not sustain a rejection under 35 U.S.C. §102(b). Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 7-8, 14 and 18-20 under 35 U.S.C. §102(b) as being anticipated by Correll '147.

35 U.S.C. §103

Claims 17 and 21 have been rejected under 35 U.S.C. §103(a) as having subject matter unpatentable over Document D. Applicant respectfully traverses.

Applicant submits that the previous discussion of the patentability of the current invention obviates the rejection of these dependent claims. To establish a *prima facie* case of obviousness the claim limitations must be taught or suggested by the prior art. *In re Royka,* 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a) then any claim depending therefrom is by definition non-obvious. *In re Fine,*

5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), Applicant respectfully submits that claims 17 and 21 depend at least in part from either independent claim 15 or 18. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claims 17 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Document D.

35 U.S.C. §103

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Document B, D or Correll '147. Applicant respectfully traverses this rejection.

Applicant submits that the previous discussion of the patentability of the current invention obviates the rejection of this dependent claim. To establish a *prima facie* case of obviousness the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a) then any claim depending therefrom is by definition non-obvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), Applicant respectfully submits that claim 13 depends at least in part from independent claim 8. Accordingly, Applicant respectfully submits reconsideration and withdrawal of the outstanding rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Document B, D or Correll '147.

CONCLUSION

Applicant respectfully submits that this application is now in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicant invites the Examiner to telephone the undersigned so that appropriate amendments can be made.

Respectfully Submitted,

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CERTIFICATE UNDER 37 C.F.R. § 1.8(A)

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EK102657512US in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on Oct 15, 2001.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

7. (Thrice Amended) An apparatus for securing a grating sheet to structural members in a wave zone of an offshore platform, the grating sheet including an upper and lower surface, the apparatus comprising:

a top plate for mounting on the upper surface of the grating sheet, the top plate having a hole therein and upper and lower surfaces;

a bottom plate having an opening, the bottom plate being sized and shaped for attaching to the structural member in a laterally extending direction for supporting the grating sheet; and

a securing mechanism extending between the upper surface of the top plate and the opening of the bottom plate for clamping the top plate and bottom plate together, the securing mechanism configured to be secured only from a position on a top surface of the grating sheet in order to secure the grating sheet to the structural members so as to prevent displacement of the grating sheet from the structural members by extreme wave action, the grating sheet being attached to the structural members in a wave zone area of an offshore platform;

wherein said ~~apparatus is~~grating sheets are formed of corrosion resistant material and said apparatus is configured ~~is able~~ to withstand the forces of waves in ~~a~~the wave-zone portion of ~~an~~the offshore platform area.

15. (Thrice Amended) A fastening system for securing grating sheets having longitudinal edges comprised of parallel and transverse bars forming a pattern of openings to structural members of an offshore platform or other similar platform comprising:

elongated generally L-shaped connectors for fastening the longitudinal edges of grating sheets to structural members in a wave zone area of the offshore platform;

plate fasteners including a top plate for mounting on an upper surface of the grating sheets, a bottom plate for attaching to the structural members in a laterally extending

direction for supporting the grating sheets and a threaded member extending between the top and bottom plates and through an opening in the top plate for engagement with a threaded nut for clamping the top and bottom plates together, the threaded member configured to be secured only from a position on a top surface of the grating sheet in order to secure the grating sheets to the structural members in a wave zone area of the platform;

whereby the elongated L-shaped connectors together with the plate fasteners provide fastening support for the grating sheets so as to resist vertical and horizontal wave pressures when secured to the supporting members;

wherein said ~~system~~grating sheets ~~is~~are formed of corrosion resistant material and said system is ~~able~~configured to withstand the forces of waves in a wave-zone portion of an offshore platform.

18. (Amended) An apparatus for securing a grating sheet comprised of parallel and transverse bars forming a pattern of openings to structural members of an offshore platform or other similar platform, comprising;

a top plate for mounting on the upper surface of the grating sheet, the top plate having an opening therein;

a bottom plate being sized and shaped for attaching to the structural support members in a laterally extending direction for supporting the grating sheet; and a threaded member extending between the top and bottom plates and through the opening in the top plate for engagement with a threaded nut for attaching the top and bottom plates together, the threaded member configured to be secured only from a top surface of the platform in order to secure the grating sheets to the structural members in a wave zone area of the platform;

wherein said ~~apparatus~~grating sheets ~~is~~are formed of corrosion resistant material and said apparatus is ~~able~~configured to withstand the forces of waves in a wave-zone portion of an offshore platform area.